

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK****MINUTE ENTRY FOR A CRIMINAL PROCEEDING
☐ SEALED PROCEEDING**

BEFORE: Judge Joseph F. Bianco, USCJ (Sitting by designation.)
DATE: 11 / 23 / 2020
TIME: 11:00 AM (Hrs.) 46 (Mins.)
DOCKET: 13 - CR - 0607 (JFB)(____)
TITLE: USA v. Kenner, et al

APPEARANCES:

DEFENDANT: Phillip Kenner Deft. # 1
☐ Present ☒ Not Present ☐ In Custody ☐ On Bond

COUNSEL: Matthew Brissenden
☐ Retained ☐ Federal Defender ☒ CJA ☒ Advisory Counsel

DEFENDANT: Tommy Constantine Deft. # 2
☒ Present ☐ Not Present ☐ In Custody ☒ On Bond

COUNSEL: Sanford Talkin
☒ Retained ☐ Federal Defender ☐ CJA ☐ _____

DEFENDANT: _____ Deft. # _____
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond

COUNSEL: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐ _____

DEFENDANT: _____ Deft. # _____
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond

COUNSEL: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐ _____

GOVERNMENT: Diane Leonardo and Madeline O'Connor

COURT REPORTER: _____

PROBATION/PRETRIAL: _____

FTR TIME: 11:13 - 11:59

INTERPRETER: _____
☐ Sworn ☐ Spanish ☐ Other: _____

COURTROOM DEPUTY: ELR for MS

☐ SEE ADDITIONAL APPEARANCES PAGE

The following proceeding(s) was/were held:

- ☐ Status Conference
☒ Motion Hearing/Oral Argument
☐ Evidentiary Hearing
☐ Curcio Hearing
☐ Bail Application/Modification Hearing

☐ Order of Referral received from District Judge _____ and signed by all parties.

☐ Status conference held regarding the charge(s) outlined in the:

- ☐ Complaint
☐ Juvenile Information
☐ Misdemeanor Information
☐ Felony Information
☐ Felony Indictment
☐ Superseding Juvenile Information (S-____)
☐ Superseding Information (S-____)
☐ Superseding Indictment (S-____)

☐ Defendant(s) _____ waive(s) Speedy Indictment from ____/____/____ to ____/____/____.

☐ Defendant(s) _____ waive(s) Speedy Trial from ____/____/____ to ____/____/____.

☐ Defendant(s) _____ do(es) not waive Speedy Indictment/Trial.

- ☐ Status conference set for ___/___/___ at ___:___ before _____, courtroom _____, as to defendant(s) _____.
- ☐ Plea hearing set for ___/___/___ at ___:___ before _____, courtroom _____, as to defendant(s) _____.
- ☐ Jury selection set for ___/___/___ at ___:___ before _____, courtroom _____, as to defendant(s) _____.
- ☐ On consent of all parties, the jury selection will be held before Magistrate Judge _____.
- ☐ Jury trial set for ___/___/___ at ___:___ before _____, courtroom _____, as to defendant(s) _____.
- ☐ Defendant(s) _____ granted leave to file _____.
- ☐ The following briefing schedule has been set:
- ☐ Motion due by: ___/___/___.
- ☐ Opposition due by: ___/___/___.
- ☐ Reply (if any) due by: ___/___/___.
- ☐ Oral Argument set for: ___/___/___ at ___:___ before _____, courtroom _____.
- ☐ Parties directed to file a proposed briefing schedule for court approval on or before ___/___/___.
- ☐ Government granted leave to file _____.
- ☐ The following briefing schedule has been set:
- ☐ Motion due by: ___/___/___.
- ☐ Opposition due by: ___/___/___.
- ☐ Reply (if any) due by: ___/___/___.
- ☐ Oral Argument set for: ___/___/___ at ___:___ before _____, courtroom _____.
- ☐ Parties directed to file a proposed briefing schedule for court approval on or before ___/___/___.
- ☒ Motion hearing/oral argument held regarding cross motions for summary judgment filed by Danske Bank and the Government.
- ☐ Parties arguments heard.
- ☐ Witness(es) for the Government called and sworn; testimony given.
- ☐ Witness(es) for the Defense called and sworn; testimony given.
- ☐ Exhibits entered into evidence.
- ☐ The motion is hereby: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
- ☒ Decision entered on the record.
- ☐ Written decision to be entered.
- ☐ Decision reserved.
- ☐ Further hearing set for ___/___/___ at ___:___ before _____, courtroom _____.
- ☒ See below for further details.
- ☐ Evidentiary Hearing held.
- ☐ Parties arguments heard.
- ☐ Witness(es) for the Government called and sworn; testimony given.
- ☐ Witness(es) for the Defense called and sworn; testimony given.
- ☐ Exhibits entered into evidence.
- ☐ Decision entered on the record.
- ☐ Written decision to be entered.
- ☐ Decision reserved.
- ☐ Further hearing set for ___/___/___ at ___:___ before _____, courtroom _____.
- ☐ See below for further details.

- ☐ Curcio Hearing held.
- ☐ Parties arguments heard.
 - ☐ Defendant informed of the potential danger(s) arising from any conflict(s) of interest.
 - ☐ Defendant understands and waives any potential conflict(s) of interest and wishes to proceed with current counsel.
 - ☐ Defendant wishes to relieve current counsel and retain or have new counsel appointed.
 - ☐ Further hearing set for ___/___/___ at ___:___ before _____, courtroom _____.
 - ☐ See below for further details.
- ☐ Bail Application/Modification Hearing held.
- ☐ Application denied as to defendant(s) _____. The Court finds, by clear and convincing evidence, that no condition or combination of conditions of release of defendant(s) will reasonably assure the safety of any other person and the community.
 - ☐ Application denied as to defendant(s) _____. The Court finds, by a preponderance of evidence, that no condition or combination of conditions of release will reasonably assure defendant(s) appearance as required.
 - ☐ Application granted as to defendant(s) _____. The Court finds that defendant(s) is not a danger to any other person or to the community and that he/she will appear when required.
 - ☐ Order(s) Setting Conditions of Release and Bond executed as to defendant(s) _____.
 - ☐ Further hearing set for ___/___/___ at ___:___ before _____, courtroom _____, as to defendant(s) _____.
 - ☐ See below for further details.
- ☐ Defendant(s) _____ remanded to the custody of the US Marshal Service.
- ☐ Medical Evaluation Order executed.
- ☐ Defendant(s) _____ remain(s) on bond.
- ☐ Parties move to seal the record of this proceeding and the application was granted. Transcripts of this proceeding can be made available to the Court, defense counsel and the Government only.

☒ Other:

- Attorney George Kostolampros appearing on behalf of Danske Bank.
- All parties for this hearing are appearing via telephone.
- The Government is directed to file their letter, in accordance with the rulings made on the record, by 12/7/2020.
- A telephone conference, to discuss the limited outstanding discovery issues, is set for 12/10/2020 at 2:00 PM. Parties are to call into the following phone number: 877-366-1829, access code 8689549.